

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
PROFESSIONAL COUNSELOR EXAMINERS  
COMMITTEE OF THE STATE BOARD OF  
MARRIAGE AND FAMILY THERAPY EXAMINERS

IN THE MATTER OF THE	:	Administrative Action
APPLICATION OF	:	
	:	
GINA NAUMOV	:	
	:	
FOR LICENSURE TO	:	<b>FINAL ORDER OF DENIAL</b>
PRACTICE PROFESSIONAL	:	<b>OF LICENSE AND DISCIPLINE</b>
COUNSELING IN THE STATE	:	
OF NEW JERSEY	:	
	:	

This matter was opened before the Professional Counselor Examiners Committee of the New Jersey State Board of Marriage and Family Therapy Examiners ("Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made;

**FINDINGS OF FACT**

1. Respondent, Gina D. Braza a/k/a Gina Naumov, submitted an application for an associate license on March 31, 2006.

2. On June 5, 2006, Respondent's application was approved for licensure as an associate counselor. She was sent a letter requiring her to submit payment in the amount of ninety dollars

(\$90.00) for an associate counselor license that would be valid through November 30, 2006.

3. Respondent did not submit the licensing fee and an associate license was not issued in 2006.

4. Respondent submitted an application for a license as a professional counselor on June 29, 2007.

5. Respondent admitted in her application for licensure as a professional counselor that she provided 750 hours of supervised counseling services at Caring Family Services from November 2006 through May 2007.

6. Respondent also included in her application a letter from her supervisor, Amy Zieman-Swart, LPC, stating that Respondent provided counseling and therapeutic behavioral intervention at Caring Family Community Services under her supervision.

7. Caring Family Community Services is a for-profit agency.

8. On August 16, 2007 Respondent changed her name to "Gina Naumov."

9. Respondent paid the licensing fee for the associate license on October 22, 2007 and was issued a license as an associate counselor on October 24, 2007, permitting her to engage in supervised counseling in a for-profit agency.

#### **CONCLUSIONS OF LAW**

Respondent's submission of a letter of recommendation and her admission that she provided 750 hours of supervised counseling and

therapeutic behavioral intervention at Caring Family Community Services, a for-profit agency, during a period when she did not hold a valid license to engage in professional counseling in a for-profit agency, is a violation of N.J.S.A. 45:8B-39(a).

#### **DISCUSSION ON FINALIZATION**

Based on the foregoing findings and conclusions, a Provisional Order of Denial of License and Discipline ("Provisional Order") was entered by this Board on April 3, 2008 and served upon Respondent. By letter dated June 10, 2008, the Respondent, through legal counsel, responded to the Provisional Order. In her response, Respondent admits that she was not licensed as an Associate Counselor until October 24, 2007. Respondent, however, requests that the Board accept her clinical hours worked during the time that she was unlicensed, namely 750 hours from November 2006 through May 2007, in furtherance of her application for licensure as a Professional Counselor.

In making the determination that no further action was required on her part for licensure as an Associate Counselor, Respondent advised that she relied upon a telephone conversation with the board office at which time she learned that she was approved for licensure as an Associate Counselor. Respondent further stated that she was advised that a license number was not required and, accordingly, as a result of the information provided, she believed that she could practice the profession without written verification of the

approval, in this case, a physical license. Further, Respondent stated that she was not informed by her supervisors at the Caring Family Community Services that she needed an actual physical license in order to practice the profession. Accordingly, in light of the foregoing, Respondent argues that she should receive credit for the clinical hours she worked during her time of unlicensed practice.

By letter dated July 31, 2008, the Attorney General argues that it strains credibility to believe that Respondent, a masters level clinician interested in obtaining her license as a Professional Counselor, would not review the statutes and regulations and/or write a inquiry letter to the Board to seek clarification regarding the licensing procedures or even simply ask a supervisor or professor regarding the need for a physical license.

Thereafter, Respondent provided an additional response by letter dated August 12, 2008 acknowledging that she was never licensed, but nevertheless stating that since she was "qualified", her failure to be licensed was merely a "clerical error." Further, Respondent indicated that she would almost certainly never again have the opportunity to obtain her license as a Professional Counselor if she was not given credit for the clinical hours she worked during the time she was unlicensed. By letter dated August 19, 2008, the Attorney General requested that Respondent provide a submission supporting the contention with regard to not having an

opportunity to obtain her license; however, Respondent failed to do so.

For the reasons set forth hereafter, the Board rejects Respondent's arguments that she is entitled to credit for the clinical hours worked during the time she was unlicensed. Further, the Board does not find the issuance of a physical license to be merely a technicality or clerical error. Rather, the payment of a licensing fee and issuance of a physical license are an important and integral part of the licensing process. It differentiates between applicants who have completed the entire process and therefore are permitted to practice the profession and those who have not. Issuance of the physical license is also the evidence to the public that this person is not only qualified to practice, but has been approved and fully completed the licensing process. Completion of the licensing process and receipt of a physical license is expected of all applicants prior to active practice in the State of New Jersey and the Board rejects any assertion that receipt of a physical license is a technicality, thereby implying that it is ministerial or de minimis. Further, the necessity of a physical license is a common statutory scheme, similar to the requirement for a physical driver's license in order to operate a vehicle in New Jersey or a physical license as required by the other professional licensing boards organized within the Division of Consumer Affairs.

Accordingly, the Board finds that Respondent's reliance upon a telephone conversation with the Board office, and/or inaction by her supervisors at Caring Family Community Services to inform her of the need for a physical license, unreasonable and misplaced. Rather, it is the responsibility of an applicant to seek and obtain accurate information through reliable means. The licensing process as set forth in the Board's statutes and regulations clearly contemplate that a physical license is required prior to the commencement of active practice in New Jersey. Further, in this case, the Board's records indicate that a letter dated June 5, 2006 was sent to Respondent advising that while she had been approved as an Associate Counselor, she must pay a fee in order to receive an official license, which would be valid through November 30, 2006. Notably, Respondent does not dispute that this letter was sent, but rather attempts to cast doubt that she received it in a timely manner.

ACCORDINGLY, IT IS on this \_\_\_\_\_ day of \_\_\_\_\_ 2008  
ORDERED that:

1. Respondent's application for licensure as a professional counselor shall be, and hereby is, denied.

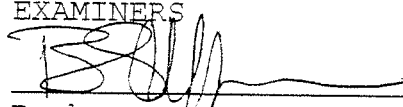
2. Respondent is denied credit toward the mandatory hours of supervised experience required for licensure as a Professional Counselor for the supervised hours performed by Respondent in any for-profit setting prior to licensure.

3. Respondent is hereby reprimanded for engaging in the unlicensed practice of professional counseling in violation of N.J.S.A. 45:8B-39(a).

4. Respondent is assessed a civil penalty in the amount of five hundred dollars (\$500.00) for engaging in the unlicensed practice of professional counseling. Payment shall be by certified check or money order, payable to the "State of New Jersey" and sent to Elaine DeMars, Executive Director, Professional Counselor Examiners Committee, P.O. Box 45044, Newark, New Jersey 07101.

5. The Committee will entertain a new application for licensure when the applicant can demonstrate that she has fully completed the mandatory hours of supervised experience required for licensure as a Professional Counselor.

PROFESSIONAL COUNSELOR EXAMINERS  
COMMITTEE OF THE NEW JERSEY STATE  
BOARD OF MARRIAGE AND FAMILY THERAPY  
EXAMINERS

  
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Barbara Maurer, M.A., LPC  
Acting Chair